

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RUBEN ISRAEL RIVERA,

Petitioner,

v.

FRANKLIN J. TENNIS, et al.,

Respondents.

Civil Action No. 06-142 Erie

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on June 28, 2006 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation, filed on June 18, 2007 [20], recommends that the petition for writ of habeas corpus be denied and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at SCI Graterford, where he is incarcerated, and on Respondents. Objections were filed by Petitioner on June 29, 2007 [21]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 3rd day of July, 2007;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DENIED and that a certificate of appealability is DENIED.

The Report and Recommendation of Chief Magistrate Judge Baxter, dated June 18, 2007 [20], is adopted as the opinion of the Court.

/s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record.
Chief U.S. Magistrate Judge Susan Paradise Baxter